

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



November 30, 1998

ALL COUNTY INFORMATION NOTICE NO. I-70-98

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS

SUBJECT: DISTINCTION BETWEEN WORK EXPERIENCE AND COMMUNITY
SERVICE ACTIVITIES IN THE CALIFORNIA WORK OPPORTUNITY AND
RESPONSIBILITY TO KIDS (CalWORKs) AND THE WELFARE-TO-WORK
(WtW) GRANT PROGRAMS

REFERENCE: ALL COUNTY LETTER (ACL) NO. 98-32

The purpose of this letter is to delineate the distinctions between work experience and community service activities under the CalWORKs program, administered by the California Department of Social Services (CDSS), and those that are provided under the WtW Grant program, administered by the Employment Development Department (EDD). While both CDSS and EDD use the terms 'work experience' and 'community service' to describe activities in their respective programs, the terms are not synonymous.

CalWORKs Work Experience and Community Service

Non-exempt CalWORKs recipients are required to participate in welfare-to-work activities, including work experience and community service activities, as a condition for the receipt of aid. As explained in ACL No. 98-32, CDSS has determined that CalWORKs work experience and community service activities are not employment. These activities do not provide employment, but rather, as part of a comprehensive assistance program, provide assistance to enable unemployed and unemployable recipients to obtain the skills to become employed and to overcome barriers to employment. Work experience and community service activities are provided for the benefit of the recipients, not activity providers.

Under CalWORKs, work experience is a training activity in the public or private sector, including for-profit organizations, that provides basic job skills, enhances existing job skills in a position related to a participant's experience, or provides a needed public service that will lead to employment. Work experience assignments are limited to 12 months, unless the county welfare department (CWD) and the participant agree to extend the length of the training period.

CalWORKs community service also is a temporary and transitional training activity. Assignments to this activity can only be with public or private nonprofit organizations. The intent of community service, like work experience and other welfare-to-work activities, is to assist participants to obtain job skills that will lead to unsubsidized employment.

Both CalWORKs work experience and community service activities require close supervision of participants. When the CWD assigns a participant to its CalWORKs work experience or community service component, CWD staff must identify the job skill(s) to be enhanced or developed by the participant. The CWD also is to review the placement on an ongoing basis, as necessary, to determine the participant's progress toward meeting his/her training goal(s).

Given the above, participants in CalWORKs work experience and community service activities are not considered employees, and the federal Fair Labor Standards Act (FLSA) does not apply to these activities. However, both activities must comply with nondisplacement provisions pursuant to Welfare and Institutions (W&I) Code Section 11324.6.

WtW Grant Program Work Experience and Community Service

Under the WtW Grant program, administered by EDD, participants in work experience and community service are employees. The purpose of these employment positions will be to provide or enhance the participant's job skills and lead to unsubsidized employment. Participants will be hired by the employer, will be considered temporary employees, will be expected to perform work for the benefit of the employer, and will be paid wages subject to the provisions of FLSA. These activities must also comply with the nondisplacement provisions that are specified in W&I Code Section 11324.6.

Work Experience and Community Service Activities Placements under CalWORKs and the WtW Grant Program

Although both CalWORKs and the WtW Grant program have activities called 'work experience' and 'community service,' the activities by the same name in the two programs differ significantly. Among other things, CalWORKs and WtW Grant program 'work experience' and 'community service' differ with regard to who is eligible to participate, how participants enter into the activity, how participants are placed into a particular activity, and the conditions of participation after a participant is placed into an activity. Attached is a comparison of some of the significant differences between work experience and community service activities under CalWORKs and the WtW Grant program. (Attachment 1)

Because of the different expectations in the CalWORKs and WtW Grant programs and other factors resulting in employment in the WtW Grant program and no employment for the participant in CalWORKs work experience and community service activities, individuals in the CalWORKs and WtW Grant programs will generally not be assigned to the same activity with the same level of supervision and monitoring.

To effectively implement the work experience and community service components of both the CalWORKs and WtW Grant programs, and to meet the needs of program participants and activity providers, each CWD and the respective local private industry council (PIC) should collaborate on the development of a process that the CWD can use to evaluate an individual's skills and experience and place him/her into the program that will provide the individual with the appropriate level of supervision and monitoring.

We also encourage CWDs and PICs to coordinate their identification and use of placement sites that are most suited for participants in their respective work experience and community service components. This should minimize any unnecessary overlap of service providers. At those sites designated for CalWORKs work experience and community service placements, the CWDs should ensure that managers and supervisors are aware of their responsibilities to provide the adequate level of supervision for each participant and to monitor the participant's progress toward meeting training goals.

If you have any questions regarding this matter, please contact Milt Yee, Employment Bureau, at (916) 657-3399.

Sincerely,

***Original Document Signed By
Charr Lee Metsker on 11/30/98***

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

C: CWDA
CSAC

Some of the Significant Differences between Work Experience and Community Service Activities under the WtW Grant and CalWORKs Programs

WtW Grant Program	CalWORKs
An individual chosen to participate in the WtW Grant program is referred to an employer who has agreed to create an employment opportunity.	A CalWORKs applicant must participate in job search and assessment activities in an attempt to find employment, and is assigned to non-employment activities such as community service and work experience only when employment is not found.
Once the WtW Grant program participant is hired, he or she is paid a least minimum wage for the hours worked. The employee's wages are subject to FICA withholding, and the employer maintains employment records. As with any employment, job wages are used to offset the individual's CalWORKs benefit payment amount.	Under CalWORKs, the recipient participates in welfare-to-work activities, which may include work experience and community service, for the number of hours set by statute and receives the grant amount set by statute. There is no payment of wages for non-employment activities such as work experience and community service, and no expectation that wages will be paid.
The employer of the WtW Grant program participant sets the hours and conditions of employment.	Under CalWORKs, the provider and the county agree on the activity, what is expected of the recipient, and the number of hours of participation by the recipient.
The WtW Grant program participant is expected to perform work for the benefit of the employer.	The CalWORKs recipient must be closely supervised and monitored and participates in the activity for his or her own benefit, including obtaining training, removing barriers to employment and satisfying a CalWORKs eligibility condition.
If employment of the WtW Grant program participant is terminated by either party, wages stop, and there is no entitlement to further WtW Grant program job referrals (as there was no entitlement to the initial job referral).	If a provider terminates a CalWORKs recipient's participation in an activity, the grant to the recipient's assistance unit does not stop, but continues so long as the assistance unit meets CalWORKs eligibility requirements.